

104TH CONGRESS
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H. R. 2142

To promote the scientific, technological, and the national security interests and industrial wellbeing of the United States through establishing missions for and streamlining Department of Energy laboratories, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 31, 1995

Mr. SCHIFF (for himself, Mr. PETE GEREN of Texas, Mr. FAWELL, Mr. HASTERT, Mr. WAMP, Mr. BAKER of California, and Mrs. MORELLA) introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To promote the scientific, technological, and the national security interests and industrial wellbeing of the United States through establishing missions for and streamlining Department of Energy laboratories, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Energy
5 Laboratory Missions Act”.

1 **SEC. 2. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the term “departmental laboratory” means
4 a Federal laboratory, or any other laboratory or fa-
5 cility designated by the Secretary, operated by or on
6 behalf of the Department of Energy;

7 (2) the term “Federal laboratory” has the
8 meaning given the term “laboratory” in section
9 12(d)(2) of the Stevenson-Wydler Technology Inno-
10 vation Act of 1980 (15 U.S.C. 3710a(d)(2));

11 (3) the term “relevant congressional commit-
12 tees” means the Committee on Armed Services of
13 the Senate, the Committee on National Security of
14 the House of Representatives, the Committee on
15 Science of the House of Representatives, and the
16 Committee on Energy and Natural Resources of the
17 Senate; and

18 (4) the term “Secretary” means the Secretary
19 of Energy.

20 **TITLE I—MISSION ASSIGNMENT**

21 **SEC. 101. FINDINGS.**

22 The Congress finds that—

23 (1) through their unique historical missions, the
24 departmental laboratories have developed core com-
25 petencies and technical capabilities that strategically

1 position them to contribute to the scientific and
2 technological wellbeing of the Nation;

3 (2) the departmental laboratories have contrib-
4 uted and continue to contribute technology to ensure
5 the maintenance of the nuclear deterrent and other
6 elements of the national security;

7 (3) through their contributions to the national
8 security in the production of nuclear and conven-
9 tional weapons, the departmental laboratories have
10 helped deter the repetition of the global conflicts of
11 the past, and have helped maintain the relative
12 peace which the United States enjoys;

13 (4) the departmental laboratories collectively
14 represent an extensive science and technology re-
15 source of people, facilities, and equipment that con-
16 tribute to the achievement of national technology
17 goals;

18 (5) in carrying out their Department of Energy
19 mission responsibilities, the departmental labora-
20 tories have established successful collaborative rela-
21 tionships with other Federal agencies, universities,
22 and other federally funded laboratories that allow
23 each of the partners to share and leverage their
24 unique capabilities;

1 (6) collaboration in partnerships among the de-
2 partmental laboratories, other Federal agencies, uni-
3 versities, and private industry, especially through co-
4 operative research and development agreements,
5 should be encouraged to enable the departmental
6 laboratories to ensure the maximum return on the
7 taxpayer's investment; and

8 (7) the departmental laboratories need well de-
9 fined and assigned missions to continue to success-
10 fully contribute to the scientific, technological, and
11 national security interests of the United States.

12 **SEC. 102. MISSIONS.**

13 The Department of Energy may maintain depart-
14 mental laboratories for the purpose of advancing, and
15 shall carry out research and development activities which
16 are essential to support and perform, the following core
17 missions:

18 (1) To maintain national security, as follows:

19 (A) To provide for the Nation's nuclear
20 weapons requirements, to be stewards of the
21 Nation's nuclear weapons stockpile, and to meet
22 other national security requirements as deter-
23 mined by the President.

24 (B) To reduce the threat of nuclear war,
25 by assisting with the dismantlement of nuclear

1 weapons, working to curb the proliferation of
2 weapons of mass destruction, including nuclear,
3 chemical, and biological weapons, supporting ef-
4 forts to counter the proliferation of weapons of
5 mass destruction, including nuclear, chemical,
6 and biological weapons, and their delivery sys-
7 tems, and conducting research on and the de-
8 velopment of technologies needed for the effec-
9 tive verification of international arms control
10 agreements, including prospective international
11 arms control agreements, which may include
12 the production and dissemination of foreign in-
13 telligence pertinent to the Department's mis-
14 sions.

15 (C) To provide for the advancement of
16 science and technology in the development of
17 nuclear and conventional weaponry for national
18 security purposes.

19 (2) To ensure the Nation's energy supply and
20 to reduce the Nation's reliance on imported energy
21 sources through research and development on ge-
22 neric, precompetitive technologies that enhance en-
23 ergy supply and improve the efficiency of energy end
24 uses, with an emphasis on long-term, high-risk re-
25 search.

1 (3) To conduct basic research in energy-related
2 science and technology, in the fundamental under-
3 standing of matter, and in emerging scientific fields,
4 including construction and operation of unique sci-
5 entific instruments and facilities for use by the Fed-
6 eral Government, academia, industry, and other ap-
7 propriate non-Federal institutions.

8 (4) To carry out research and development for
9 the purpose of minimizing the environmental im-
10 pacts of the production and use of energy, nuclear
11 weapons, and materials, including the development
12 of technologies for the safe disposal and cleanup of
13 hazardous and radioactive wastes.

14 (5) To carry out such additional missions as
15 are assigned to the Department of Energy by the
16 President.

17 In furthering the core missions of the departmental lab-
18 oratories, the Secretary and the departmental laboratories
19 may establish mutually beneficial collaborative, mission-
20 oriented research and development relationships with
21 other agencies of the Federal Government, academia, and
22 other appropriate non-Federal institutions, providing for
23 the mutual sharing of nonproprietary and unclassified in-
24 formation.

1 **SEC. 103. PROCEDURE FOR MAKING PROPOSALS FOR LAB-**
2 **ORATORY MISSION ASSIGNMENTS AND**
3 **STREAMLINING.**

4 (a) MISSION ASSIGNMENT AND STREAMLINING CRI-
5 TERIA.—

6 (1) IN GENERAL.—Not later than 3 months
7 after the date of the enactment of this Act, the Sec-
8 retary shall publish in the Federal Register and
9 transmit to the relevant congressional committees
10 the criteria proposed to be used by the Secretary in
11 making proposals for the assignment of a mission or
12 missions to, and the streamlining, if necessary, of,
13 departmental laboratories. The Secretary shall pro-
14 vide an opportunity for public comment on the pro-
15 posed criteria for a period of at least 30 days and
16 shall include notice of that opportunity in the publi-
17 cation required under this paragraph. In developing
18 the criteria, the Secretary shall consider—

19 (A) the unique technical and experimental
20 capabilities which exist at each of the depart-
21 mental laboratories, including the critical infra-
22 structure needed for nuclear weapons systems
23 development, production, and maintenance;

24 (B) unnecessary duplication of effort by
25 departmental laboratories and overhead costs as

1 a proportion of program benefits distributed
2 through a departmental laboratory;

3 (C) cost savings and increases that would
4 accrue through the streamlining of depart-
5 mental laboratories;

6 (D) the potential and appropriateness of
7 the performance of research and other missions
8 of the departmental laboratories by other enti-
9 ties such as academic, private industry, and
10 other Federal facilities; and

11 (E) expert advice from appropriate outside
12 individuals.

13 (2) FINAL CRITERIA.—Not later than 5 months
14 after the date of the enactment of this Act, the Sec-
15 retary shall publish in the Federal Register and
16 transmit to the relevant congressional committees
17 the final criteria to be used in making proposals for
18 the assignment of a mission or missions to, and the
19 streamlining of, departmental laboratories under this
20 section.

21 (b) SECRETARY'S PROPOSALS.—

22 (1) PUBLICATION IN FEDERAL REGISTER.—Not
23 later than 1 year after the date of the enactment of
24 this Act, the Secretary shall publish in the Federal
25 Register and transmit to the relevant congressional

1 committees the Secretary's proposals for mission as-
2 signments and streamlining for the departmental
3 laboratories, on the basis of the final criteria pub-
4 lished under subsection (a)(2) and the statement of
5 missions contained in section 3. In formulating those
6 proposals, the Secretary shall solicit the advice of
7 appropriate outside expert individuals.

8 (2) SUMMARY OF PROCESS.—The Secretary
9 shall include, with the proposals published and
10 transmitted pursuant to paragraph (1), a summary
11 of the process that resulted in the proposals for each
12 departmental laboratory, including a justification for
13 each proposal.

14 (c) AVAILABILITY OF INFORMATION.—The Secretary
15 shall make available to the Comptroller General of the
16 United States all information used by the Secretary in
17 making proposals under subsection (b).

18 (d) COMPTROLLER GENERAL REPORT.—The Comp-
19 troller General of the United States shall, not later than
20 15 months after the date of the enactment of this Act,
21 transmit to the relevant congressional committees a report
22 containing a detailed analysis of the Secretary's proposals
23 and procedures.

1 **SEC. 104. ASSIGNMENT OF MISSIONS TO, AND STREAMLIN-**
2 **ING OF, DEPARTMENTAL LABORATORIES.**

3 The Secretary shall—

4 (1) assign a mission or missions to all depart-
5 mental laboratories as proposed in the report trans-
6 mitted to the relevant congressional committees pur-
7 suant to section 103(b)(1);

8 (2) streamline all such laboratories proposed for
9 streamlining in such report; and

10 (3) complete the mission assignments and
11 streamlining not later than the end of the 4-year pe-
12 riod beginning on the date on which such report is
13 transmitted.

14 **SEC. 105. REPORTS ON IMPLEMENTATION.**

15 As part of the budget request for each fiscal year in
16 which the Secretary will carry out activities under this
17 Act, the Secretary shall transmit to the relevant congres-
18 sional committees—

19 (1) a schedule of the mission assignment and
20 streamlining actions to be carried out under this Act
21 in the fiscal year for which the request is made and
22 an estimate of the total expenditures required and
23 cost savings to be achieved by each such mission as-
24 signment and streamlining, and of the time period in
25 which these savings are to be achieved in each case;
26 and

1 (2) a description of the departmental labora-
2 tories, including those under construction and those
3 planned for construction, to which functions are to
4 be transferred as a result of mission assignments
5 and streamlining.

6 **TITLE II—GOVERNANCE**

7 **SEC. 201. FINDINGS.**

8 The Congress finds that—

9 (1) there is an inordinate internal focus at
10 every level of the Department of Energy and the de-
11 partmental laboratories on compliance issues and
12 questions of management processes, which takes a
13 major toll on research performance;

14 (2) there has been a growing emphasis at the
15 Department on administrative and support organiza-
16 tions and their oversight and compliance roles;

17 (3) the costs of dealing with review groups sig-
18 nificantly interferes with research operations at the
19 department laboratories;

20 (4) far too much influence has been ceded by
21 the Department to nonregulatory advisory boards,
22 and such organizations generate recommendations
23 with no apparent cost/benefit analysis, which results
24 in significant unnecessary expenditures and produc-
25 tivity losses; and

1 (5) enforcement of environmental, safety, and
2 health rules, regulations, orders, and standards is a
3 function of government agencies other than the De-
4 partment of Energy.

5 **SEC. 202. ELIMINATION OF SELF-REGULATION.**

6 Notwithstanding any other provision of law, the De-
7 partment of Energy shall implement, but shall not be the
8 agency of enforcement of, Federal, State, and local envi-
9 ronmental, safety, and health rules, regulations, orders,
10 and standards at departmental laboratories, unless the
11 Secretary certifies that a particular action is unique to the
12 activities of the Department and is necessary to maintain
13 human health and safety.

14 **SEC. 203. EFFECTIVE DATE.**

15 This title shall take effect on October 1, 1996.

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